

AMENDED IN ASSEMBLY APRIL 6, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1757**

---

**Introduced by Assembly Member Monning  
(Coauthor: Assembly Member Caballero)**

February 8, 2010

---

An act to amend Sections 1450, 1451, 1453, 1454, 1455, 1456, and 1457 of, and to add Sections 1450.1 and 1450.2 to, the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

AB 1757, as amended, Monning. Veterans cemetery.

(1) Existing law created the California Central Coast State Veterans Cemetery at Fort Ord Endowment Fund in the State Treasury and requires those moneys to be allocated for the annual administrative and oversight costs of the veterans cemetery, as specified.

This bill would require the Department of Veterans Affairs, in voluntary cooperation with the Board of Supervisors of the County of Monterey, the City of Seaside, the Fort Ord Reuse Authority, and local agencies to design, develop, and construct the California Central Coast Veterans Cemetery at Fort Ord, as specified. This bill would require the Secretary of Veterans Affairs to appoint an Advisory Committee to advise the department when considering significant changes to the cemetery, as provided. This bill would require additional revenues identified for the administration and oversight of the cemetery to be deposited in the Endowment Fund, as specified.

(2) Existing law requires the department to develop and submit a Veterans Cemetery Grant Program application to the United States Department of Veterans Affairs for the establishment of a veterans

cemetery, as provided. Existing law requires the Controller to transfer moneys from the Endowment Fund to the Operations Fund in the amount equal to the costs of developing and submitting the State Veterans Cemetery Grant Program application, as provided.

This bill would require the Controller, upon the appropriation of the Legislature, to transfer funds from the Endowment Fund to the Operations Fund in the amount at least equal to the estimated costs to accomplish the design; *and* development; ~~and construction~~ of the cemetery in phases. This bill would authorize the department to begin designing, developing, and contracting upon the transfer of funds, and to begin construction and equipping the veterans cemetery upon the United States Department of Veterans Affairs certification of the grant award. *This bill would define “phases” to mean the usual phases of a capital outlay project.*

(3) Existing law requires the department to adopt regulations for eligibility requirements, as provided, and authorizes the burial of children of honorably discharged veterans in the veterans cemetery.

This bill would require regulations to apply to all state-operated veterans cemeteries, as specified, and would limit burial in the veterans cemetery to dependent children of honorably discharged veterans.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1450 of the Military and Veterans Code
- 2 is amended to read:
- 3 1450. For purposes of this chapter, the following definitions
- 4 apply:
- 5 (a) “Administrative and oversight costs” means costs incurred
- 6 by the department for the maintenance of the veterans cemetery
- 7 including, but not limited to, personnel costs, the opening and
- 8 closing of graves, the interment of remains, committal service
- 9 coordination, grounds keeping, landscaping, general maintenance,
- 10 and janitorial services.
- 11 (b) “Department” means the Department of Veterans Affairs.
- 12 (c) “Endowment Fund” means the California Central Coast
- 13 State Veterans Cemetery at Fort Ord Endowment Fund.
- 14 (d) “Operations Fund” means the California Central Coast State
- 15 Veterans Cemetery at Fort Ord Operations Fund.

1 (e) “Phases” means the usual phases of a ~~design-bid-build~~ capital  
2 outlay project. ~~The phases would include~~ *Phases* studies,  
3 preliminary plans, working drawings, including documents  
4 necessary to put the construction phase out to bid, and construction.

5 (f) “Veterans cemetery” means the California Central Coast  
6 State Veterans Cemetery at Fort Ord.

7 SEC. 2. Section 1450.1 is added to the Military and Veterans  
8 Code, to read:

9 1450.1. (a) Pursuant to this chapter, the department, in  
10 voluntary cooperation with the Board of Supervisors of the County  
11 of Monterey, the City of Seaside, the Fort Ord Reuse Authority,  
12 and surrounding counties, cities, and local agencies, shall design,  
13 develop, and construct the state-owned and state-operated veterans  
14 cemetery, which shall be located on the site of the former Fort  
15 Ord.

16 (b) The department shall oversee and coordinate the design,  
17 development, construction, and equipping of the veterans cemetery.

18 (c) It is the intent of the Legislature that the design of the  
19 veterans cemetery closely follows the concepts published in the  
20 California Central Coast Veterans Cemetery Fort Ord Development  
21 Master Plan as prepared for the Monterey County Redevelopment  
22 Agency.

23 SEC. 3. Section 1450.2 is added to the Military and Veterans  
24 Code, to read:

25 1450.2. (a) The Secretary of Veterans Affairs shall establish  
26 the California Central Coast Veterans Cemetery Advisory  
27 Committee that consists of the following persons appointed by the  
28 secretary:

29 (1) One representative from the County of Monterey, nominated  
30 by the Board of Supervisors of the County of Monterey.

31 (2) One representative from the City of Seaside, nominated by  
32 the City Council of the City of Seaside.

33 (3) One representative from the Fort Ord Reuse Authority,  
34 nominated by the board of directors of the Fort Ord Reuse  
35 Authority.

36 (4) Two members from the Fort Ord Veterans Cemetery Citizens  
37 Advisory Committee, nominated by that committee.

38 (5) At least two members from the department.

39 (b) In recognition of the fact that the Endowment Fund will be  
40 made up largely of private and local funds, the department shall

1 seek the advice of the Advisory Committee when considering  
2 significant changes in the design of the veterans cemetery.

3 SEC. 4. Section 1451 of the Military and Veterans Code is  
4 amended to read:

5 1451. (a) The California Central Coast State Veterans  
6 Cemetery at Fort Ord Endowment Fund is hereby created in the  
7 State Treasury. Moneys in the Endowment Fund shall be allocated,  
8 upon appropriation by the Legislature, to the department for the  
9 annual administrative and oversight costs of the veterans cemetery,  
10 pursuant to Sections 1453 and 1454, and to generate funding  
11 through interest for the veterans cemetery.

12 (b) (1) Moneys in the fund shall first be invested with the goal  
13 of achieving capital appreciation to create a balance sufficient to  
14 generate ongoing earnings to cover the estimated annual oversight  
15 and maintenance costs associated with the veterans cemetery  
16 pursuant to Section 1453.

17 (2) Upon the determination of the Controller that the Endowment  
18 Fund balance has attained the goal established in paragraph (1),  
19 moneys in the fund shall be invested to generate earnings to fund  
20 annual oversight and maintenance costs associated with the  
21 veterans cemetery.

22 (c) The Endowment Fund may consist of donations from public  
23 and private entities, partnerships between public and private  
24 entities, fees, and transfers from the state General Fund as may be  
25 specified by law.

26 (d) To the extent possible, donations made in-kind to the  
27 Endowment Fund shall be monetized so as to offset the ongoing  
28 administrative and oversight costs under Sections 1452 and 1453.

29 (e) Earnings generated by the Endowment Fund shall be retained  
30 by the fund.

31 (f) Moneys deposited in the Endowment Fund are exempt from  
32 the requirements of Sections 11270 through 11277 of the  
33 Government Code.

34 (g) Moneys in the Endowment Fund shall be invested by the  
35 Treasurer, after consultation with the department, in a manner that  
36 best meets the goals of the fund.

37 (h) If, through changes in state or federal law, additional  
38 revenues are identified for the administration and oversight of the  
39 cemetery, including increases in federal burial allowances, so that  
40 the amount of annual revenue exceeds the annual administrative

1 and oversight costs, the excess revenues shall be deposited in the  
2 Endowment Fund.

3 SEC. 5. Section 1453 of the Military and Veterans Code is  
4 amended to read:

5 1453. (a) (1) Upon the determination of the Controller, after  
6 consultation with the Secretary of Veterans Affairs, that the  
7 Endowment Fund has adequate principal to annually yield  
8 sufficient investment earnings, from the date of the determination,  
9 to cover the annual administrative and oversight costs over the  
10 next 10 years and to fund the estimated costs of developing and  
11 submitting the State Veterans Cemetery Grant Program application,  
12 the department shall develop and submit a State Veterans Cemetery  
13 Grant Program application to the United States Department of  
14 Veterans Affairs for the establishment of a veterans cemetery.

15 (2) The Controller, upon appropriation by the Legislature, shall  
16 transfer moneys from the Endowment Fund to the Operations Fund  
17 in an amount equal to the estimated costs of project design,  
18 development of all documents necessary for construction, and  
19 developing and submitting the State Veterans Cemetery Grant  
20 Program application to the United States Department of Veterans  
21 Affairs.

22 (3) Notwithstanding paragraph (1), the Controller, upon  
23 appropriation by the Legislature, shall transfer funds from the  
24 Endowment Fund to the Operations Fund in an amount at least  
25 equal to the estimated costs to accomplish the design, ~~development,~~  
26 ~~and construction~~ *and development* of the cemetery in phases.  
27 Transfers shall be made only when sufficient funds, as determined  
28 by the Director of Finance, exist to fully accomplish each project  
29 phase.

30 (b) (1) The Secretary of Veterans Affairs shall submit the State  
31 Veterans Grant Program application to the United States  
32 Department of Veterans Affairs within six months of the  
33 Controller's determination pursuant to subdivision (a). The  
34 Secretary of Veterans Affairs is authorized to act as the official  
35 representative of the state in connection with the State Veterans  
36 Cemetery Grant Program application, including providing the  
37 United States Department of Veterans Affairs throughout the  
38 application process with all necessary assurances that additional  
39 information shall be provided when required. The Secretary of

1 Veterans Affairs shall have final approval of all aspects of the  
2 cemetery design and operation.

3 (2) Upon transfer of funds pursuant to paragraphs (2) and (3)  
4 of subdivision (a), the department is authorized to proceed with  
5 all design, development, and contracting activities necessary to  
6 support the submission of the State Veterans Cemetery Grant  
7 Program application.

8 (3) Upon the United States Department of Veterans ~~Affairs~~  
9 *Affairs*' certification of the grant award, the department is  
10 authorized to proceed with construction and equipping of the  
11 veterans cemetery.

12 (c) If awarded, the moneys received from the State Veterans  
13 Cemetery Grant Program shall be used to reimburse the  
14 Endowment Fund for the costs of developing and submitting the  
15 State Veterans Cemetery Grant Program application to the United  
16 States Department of Veterans Affairs and other eligible costs,  
17 and to fund 100 percent of costs allowed by the grant requirements,  
18 as well as the state's share of any other costs for the design,  
19 development, construction, and equipping of the veterans cemetery.

20 SEC. 6. Section 1454 of the Military and Veterans Code is  
21 amended to read:

22 1454. (a) The Central Coast Veterans Cemetery Master  
23 Development Fund is hereby renamed the California Central Coast  
24 State Veterans Cemetery at Fort Ord Operations Fund. Moneys in  
25 the Operations Fund may be transferred, upon appropriation by  
26 the Legislature, from the Endowment Fund to the Operations Fund  
27 for expenditure by the department, solely for the annual  
28 administrative and oversight costs of the veterans cemetery.

29 (b) (1) The Controller shall reserve an amount, not to exceed  
30 20 percent of the amount allocated pursuant to subdivision (a), in  
31 the Operations Fund, which shall be used solely as a reserve for  
32 unforeseen administrative and oversight costs.

33 (2) For purposes of this subdivision, "unforeseen administrative  
34 and oversight costs" means any costs that could not have been  
35 reasonably anticipated by the department when preparing its  
36 estimate of annual administrative and oversight costs and that are  
37 needed to carry out the purposes of this chapter.

38 SEC. 7. Section 1455 of the Military and Veterans Code is  
39 amended to read:

1 1455. (a) Subsequent to the department's submission of the  
2 State Veterans Cemetery Grant Program application, pursuant to  
3 Section 1453, the department shall adopt regulations to specify  
4 the eligibility requirements for interment, the appropriate fees to  
5 be charged for interment or burial of spouses and dependent  
6 children of honorably discharged veterans, and appropriate fees  
7 for the disinterment of remains.

8 (b) Those eligible for interment are all honorably discharged  
9 veterans and their spouses and dependent children.

10 (c) All fees received pursuant to subdivision (a) shall be  
11 deposited in the Endowment Fund created pursuant to Section  
12 1451.

13 (d) Regulations adopted pursuant to this section shall also be  
14 applicable to all state-operated veterans cemeteries in order to  
15 ensure consistent and equitable treatment of all veterans and their  
16 families throughout the state.

17 SEC. 8. Section 1456 of the Military and Veterans Code is  
18 amended to read:

19 1456. (a) Proposals for the construction, placement, or donation  
20 of monuments or memorials, excluding headstones, and other  
21 amenities to the veterans cemetery shall be subject to review by  
22 the California Central Coast Veterans Cemetery Advisory  
23 Committee.

24 (b) All proposals for the construction, placement, or donation  
25 of monuments, memorials, and amenities to the veterans cemetery  
26 shall be subject to the approval of the Secretary of Veterans Affairs.

27 (c) The department shall adopt regulations for the policies and  
28 procedures to be followed with respect to the design, placement,  
29 and approval of monuments and memorials proposed to be placed  
30 on veterans cemetery grounds.

31 (d) Endowment Fund balances exceeding that determined to be  
32 sufficient to meet annual administrative and oversight costs, as  
33 determined pursuant to Section 1453, may be expended, upon  
34 appropriation by the Legislature, for the purpose of establishing  
35 monuments, memorials, and amenities.

36 SEC. 9. Section 1457 of the Military and Veterans Code is  
37 amended to read:

38 1457. (a) Notwithstanding Section 11005 of the Government  
39 Code, the veterans cemetery administrator may, subject to the  
40 approval of the Secretary of Veterans Affairs, accept donations of

- 1 personal property, including cash or other gifts, to be used for the
- 2 maintenance or beautification of the veterans cemetery.
- 3 (b) Donations in the form of cash shall be deposited in the
- 4 Endowment Fund and shall be expended for the maintenance and
- 5 repair of the veterans cemetery or for a specified veterans cemetery
- 6 maintenance or beautification project designated by the donor,
- 7 upon appropriation by the Legislature.